

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENTS RELATES
TO RICE v. ABBOTT LABORATORIES,
formerly No. 3:02-cv-03925 (N.D.Cal.),
THOMPSON v. ABBOTT
LABORATORIES, formerly No. 3:02-cv-
04450 (N.D.Cal.), and TURNER v.
ABBOTT LABORATORIES, formerly No.
3:02-cv-5006 (N.D.Cal.)

**DEFENDANT FUJISAWA USA'S RESPONSE TO MOTION TO RECONSIDER
ORDER DISMISSING ACTIONS, AND MOTION FOR LEAVE TO FILE A REPLY
BRIEF SHOULD RECONSIDERATION BE GRANTED**

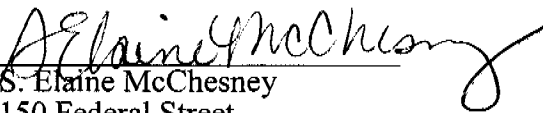
Defendant Fujisawa USA, Inc. ("Fujisawa"), through undersigned counsel, has no objection to the Court's consideration of Plaintiffs Rice and Thompsons' Opposition to Fujisawa's Motion to Dismiss Certain Complaints Against It For Failure of Service. Fujisawa's Motion was granted by the Court on April 17, 2003, and opposed on April 18, 2003.

However, the Motion was properly granted by the Court and should not be vacated. Should the Court consider the Opposition, Fujisawa respectfully requests that the Court accept and consider its Reply Memorandum In Support of Its Motion to Dismiss Certain Complaints Against It For Failure of Service (attached at Exhibit "A"). Plaintiffs' Opposition to the Motion makes a number of factual and legal arguments which lack legal merit, and which are beyond the scope of those discussed in Fujisawa's initial Memorandum. The Reply Memorandum is necessary to provide the Court with full discussion of the legal and factual issues raised by the Opposition.

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Respectfully submitted,

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Dated: May 1, 2003